

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. ) CR-  
 )  
 ROY W. JOHNSON, JR., )  
 Defendant. )

INFORMATION

**THE UNITED STATES ATTORNEY CHARGES:**

Count One  
Conspiracy to Commit Bribery  
Title 18, United States Code, Sections 371

At all times relevant to this Information:

**INTRODUCTION**

1. The State of Alabama was a state government that received millions of dollars in federal assistance under a federal program involving a grant, contract, subsidy, loan, guarantee or other form of federal assistance during each month of each fiscal year beginning with fiscal year 1998 and continuing through fiscal year 2006.

2. Through its Board of Education and the Department of Postsecondary Education, the State of Alabama offered education, job training and other programs at more than twenty-five subordinate two-year colleges, technical

schools, and other sites around the State. Funding for those colleges and programs was provided by the State of Alabama and other sources, including the federal government.

3. The State Board of Education appointed the Chancellor of the Department of Postsecondary Education. The Chancellor functioned as the chief executive officer of the Department of Postsecondary Education. The authority and responsibility for the operation, maintenance, management, control, supervision, regulation, improvement, and enlargement of the institutions subordinate to the Department of Postsecondary Education was vested in the Chancellor, subject to the approval of the State Board of Education.

4. The president of each subordinate institution within the Department of Postsecondary Education was appointed by the State Board of Education at the recommendation of the Chancellor and served at the pleasure of the Board. The president of each institution subordinate to the Department of Postsecondary Education was directly responsible to the Chancellor for the operation of their respective institutions.

5. The Chancellor was responsible for the administration of and had influence over the recruitment, selection and retention of presidents for the institutions subordinate to the Department of Postsecondary Education.

6. As part of their basic responsibilities, the presidents of the institutions subordinate to the Department of Postsecondary Education signed contracts and obligated State funds on behalf of their respective institutions.

7. The Chancellor had the discretionary authority to direct the expenditure of certain funds for construction projects and other purposes at the institutions subordinate to the Department of Postsecondary Education.

8. Defendant **ROY W. JOHNSON, JR.** served as president of Southern Union State Community College in Opelika, Alabama, from in or about August 1993 until in or about June 2002.

9. Defendant **JOHNSON** served as Chancellor of the Alabama Department of Postsecondary Education from in or about July 2002 until in or about July 2006.

10. Coconspirator James Winston Hayes was the founder and owner of ACCESS Group Software, LLC(ACCESS). ACCESS was located in Walker County in the Northern District of Alabama. ACCESS sold educational software and associated services to, among others, the Alabama Department of Postsecondary Education and to institutions subordinate to the Alabama Department of Postsecondary Education. Coconspirator Hayes and ACCESS desired and sought continued and additional business with the Alabama Department of Postsecondary Education and the institutions subordinate to the

Alabama Department of Postsecondary Education.

11. Coconspirator Lanier Robert Higgins was Defendant **JOHNSON's** driver and personal assistant.

### **THE CONSPIRACY**

12. From in or about July 2002 until in or about November 2004, the exact dates being unknown to the United States Attorney, within Walker County in the Northern District of Alabama, and elsewhere, Defendant

### **ROY W. JOHNSON, JR.**

knowingly and willfully conspired, combined, and agreed with James Winston Hayes and other persons, known and unknown to the United States Attorney, to commit an offense against the United States, that is:

(a) To corruptly give, offer and agree to give anything of value to any person, with intent to influence and reward an agent of state government, which state government received federal assistance in excess of \$10,000 in a one-year period, in connection with any business, transaction, and series of transactions of such state government involving anything of a value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(2); and

(b) being an agent of the state government, which state received federal

assistance in excess of \$10,000 in any one-year period, to corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions involving anything of value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(1)(B)

### **THE OBJECTS OF THE CONSPIRACY**

13. It was an object of the conspiracy for Defendant **JOHNSON** to enrich himself by corruptly soliciting and accepting things of value with the intent of being influenced and rewarded for supporting the interests of coconspirator Hayes and ACCESS in connection with computer software and associated services that the Alabama Department of Postsecondary Education and the institutions subordinate to the Alabama Department of Postsecondary Education sought to purchase and acquire.

14. It was further an object of the conspiracy for coconspirator Hayes and ACCESS to corruptly give, offer, and agree to give things of value to Defendant **JOHNSON** with the intent of influencing and rewarding him for supporting their interests in connection with computer software and associated services that the Alabama Department of Postsecondary Education and the institutions subordinate

to the Alabama Department of Postsecondary Education sought to purchase and acquire.

### **MANNER AND MEANS OF THE CONSPIRACY**

15. It was part of the conspiracy that Defendant **JOHNSON** would and did solicit and accept cash, checks, payments to family members, goods and services valued at more than \$5,000 from coconspirator Hayes and ACCESS while Hayes and ACCESS were doing business with and seeking to do business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education.

16. It was a further part of the conspiracy that Defendant **JOHNSON** and coconspirator Hayes attempted to conceal the existence of some of these bribes by fraudulently disguising payments to Defendant **JOHNSON** family members as being made for work done by the family members for coconspirator Hayes and ACCESS.

17. It was a further part of the conspiracy that Defendant **JOHNSON** and coconspirator Hayes attempted to conceal the existence of some of these bribes by soliciting Defendant **JOHNSON**'s driver, coconspirator Higgins, to establish a fictitious business consulting entity which submitted false invoices for services to ACCESS which invoices were paid by coconspirator Hayes and ACCESS and

which payments were then passed to Defendant **JOHNSON** or used to his benefit by coconspirator Higgins.

18. It was a further part of the conspiracy that Defendant **JOHNSON** and coconspirator Hayes attempted to conceal the existence of some of these bribes by creating a fraudulent mortgage disguising the bribe payments as a loan from coconspirator Hayes to Defendant **JOHNSON** .

19. It was a further part of the conspiracy that Defendant **JOHNSON** used his official position as Chancellor of the Alabama Department of Postsecondary Education to get coconspirator Hayes and ACCESS increased business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education by recommending to the presidents of institutions subordinate to the Alabama Department of Postsecondary Education that they utilize the products and services of coconspirator Hayes and ACCESS.

20. It was a further part of the conspiracy that Defendant **JOHNSON** used his official position as Chancellor of the Alabama Department of Postsecondary Education to get coconspirator Hayes and ACCESS increased business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education by using the discretionary

spending and budget powers of the Chancellor's office to direct funds to institutions subordinate to the Alabama Department of Postsecondary Education for the purpose of funding the purchase of goods and services from coconspirator Hayes and ACCESS.

### **OVERT ACTS**

21. In furtherance of the conspiracy and to achieve the objects thereof, the defendant committed and caused to be committed the following overt acts in the Northern District of Alabama and elsewhere:

- a. In or about April 2004 Defendant **JOHNSON** met with and directed coconspirator Hayes and ACCESS to pay false invoices from Higgins Consulting
- b. In or about April, 2004, coconspirator Higgins submitted a false invoice for consulting from Higgins Consulting to ACCESS in the amount of \$7,200.
- c. In or about April, 2004, coconspirator Hayes and ACCESS mailed a check, in the amount of \$7,200, from ACCESS in Jasper, Alabama, to Higgins Consulting.

All in violation of Title 18, United States Code, Section 371.



**Count Two**  
**Bribery**  
**Title 18, United States Code, Section 666(a)(1)(B)**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

1. Paragraphs 1 through 11 of Count One of this Information are repeated and re-alleged as though fully set out herein.

2. From in or about July 2002 and continuing through in or about July 2006, the exact date being unknown, within Walker County in the Northern District of Alabama, and elsewhere, Defendant

**ROY W. JOHNSON, JR.**

an agent of the State of Alabama, did corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of the State of Alabama involving anything of value of \$5,000 or more, that is; Defendant **JOHNSON** corruptly solicited, accepted and agreed to accept cash, checks, payments to family members, goods and services valued at approximately more than \$5,000 from coconspirator Hayes and ACCESS, intending to be influenced and rewarded in connection with the business of the Alabama Department of Postsecondary Education.

All in violation of Title 18, United States Code, Section 666(a)(1)(B).

**Count Three**  
**Conspiracy to Commit Money Laundering**  
**Title 18, United States Code, Section 1956(h)**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

1. The allegations contained in paragraphs 1 through 11, 17 and 18 of Count One of this Information are repeated and re-alleged as though fully set out herein.

**THE CONSPIRACY**

2. From in or about April 2004 until in or about September 2004, the exact dates being unknown, within Walker County in the Northern District of Alabama, and elsewhere, Defendant

**ROY W. JOHNSON, JR.**

knowingly and willfully conspired, combined, and agreed with James Winston Hayes and Lanier Robert Higgins, and other persons known and unknown to the United States Attorney, to commit an offense against the United States as follows: knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity, to conduct and attempt to conduct such a financial transaction (1) with the intent to promote the carrying on of specified unlawful activity, and (2) knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership,

and control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1).

### **MANNER AND MEANS OF THE CONSPIRACY**

3. It was a part of the conspiracy that Defendant **JOHNSON** and would and did solicit and accept payments for the construction of his home in Opelika, Alabama, valued at more than \$5,000 from coconspirator Hayes and ACCESS while coconspirator Hayes and ACCESS were doing business with and seeking to do business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education.

4. It was a further part of the conspiracy that Defendant **JOHNSON** would and did ask coconspirator Higgins to create a fictitious entity known as "Higgins Consulting" for the purpose of submitting false invoices for consulting to ACCESS.

5. It was a further part of the conspiracy that Defendant **JOHNSON** would and did direct coconspirator Higgins to give the money from ACCESS to Defendant **JOHNSON** in cash or otherwise use it to pay construction costs for Defendant **JOHNSON**'s new home in Opelika, Alabama.

6. It was a further part of the conspiracy that the payments to coconspirator Lanier Robert Higgins and to Defendant **JOHNSON** would be made in this

manner to hide the fact that Defendant **JOHNSON** was receiving bribes from coconspirator Hayes and ACCESS.

### **OVERT ACTS**

7. In furtherance of the conspiracy and to achieve the objects thereof, the Defendant committed and caused to be committed the following overt acts in the Northern District of Alabama and elsewhere:

- a. In or about April 2004 Defendant **JOHNSON** met with and directed coconspirator Hayes and ACCESS to pay false invoices from Higgins Consulting.
- b. In or about April 2004 in Walker County, Alabama, coconspirator Hayes caused to be delivered a check from ACCESS to Higgins Consulting.

All in violation of Title 18, United States Code, Section 1956(h).

**Count Four**  
**Conspiracy to Commit Bribery**  
**Title 18, United States Code, Sections 371**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

### **INTRODUCTION**

1. Paragraphs 1 through 9 of Count One of this Information are repeated and re-alleged as though fully set out herein.

2. Coconspirator Timothy Turnham was an owner and vice-president of Alabama Contract Sales, Inc.(ACS), in Opelika, Alabama, and was responsible for the overall operation of the business. ACS was an Alabama corporation which sold products to state institutions, most of which were schools. ACS sold furnishings, mass seating, and equipment, and provided services associated with these products. Coconspirator Turnham was the person who conducted or supervised ACS's business dealings with the Alabama Department of Post-Secondary Education and its subordinate institutions during the period of time from May 1995 through July 2006.

3. Coconspirator Robert Higgins was Defendant **JOHNSON**'s driver and personal assistant.

### **THE CONSPIRACY**

4. From in or about July 2002, and continuing through in or about July 2006, within Jefferson County in the Northern District of Alabama, and elsewhere, Defendant

### **ROY W. JOHNSON, JR.**

knowingly and willfully conspired, combined, and agreed with Coconspirator Turnham and other persons, known and unknown, to commit an offense against the United States, that is:

(a) To corruptly give, offer and agree to give anything of value to any person, with intent to influence and reward an agent of state government, which state government received federal assistance in excess of \$10,000 in a one-year period, in connection with any business, transaction, and series of transactions of such state government involving anything of a value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(2); and

(b) being an agent of the state government, which state received federal assistance in excess of \$10,000 in any one-year period, to corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions involving anything of value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(1)(B)

### **THE OBJECTS OF THE CONSPIRACY**

5. It was an object of the conspiracy for Defendant **JOHNSON** to enrich himself by corruptly soliciting and accepting things of value with the intent of being influenced and rewarded for supporting the interests of coconspirator Turnham and ACS in connection with furnishings and associated services that the

Alabama Department of Postsecondary Education and the institutions subordinate to the Alabama Department of Postsecondary Education sought to purchase and acquire.

6. It was further an object of the conspiracy for coconspirator Turnham and ACS to corruptly give, offer, and agree to give things of value to Defendant **JOHNSON** with the intent of influencing and rewarding him for supporting the interests of coconspirator Turnham and ACS in connection with furnishings and associated services that the Alabama Department of Postsecondary Education and the institutions subordinate to the Alabama Department of Postsecondary Education sought to purchase and acquire.

#### **MANNER AND MEANS OF THE CONSPIRACY**

7. It was part of the conspiracy that Defendant **JOHNSON** would and did solicit and accept cash, checks, payments to family members, goods and services valued at more than \$5,000 from coconspirator Turnham and ACS while coconspirator Turnham and ACS were doing business with and seeking to do business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education.

8. It was a further part of the conspiracy that Defendant **JOHNSON** and coconspirator Turnham attempted to conceal the existence of some of these bribes

by fraudulently disguising a payment to a member of Defendant **JOHNSON**'s family as being made for work done by the family member for coconspirator Turnham and ACS.

9. It was a further part of the conspiracy that Defendant **JOHNSON** and coconspirator Turnham attempted to conceal the existence of these bribes by creating fraudulent documents which purported to show payments to ACS from Defendant **JOHNSON** for goods and services provided by ACS to Defendant **JOHNSON**.

10. It was a further part of the conspiracy that Defendant **JOHNSON** used his official position as Chancellor of the Alabama Department of Postsecondary Education to get coconspirator Turnham and ACS increased business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education by recommending to the presidents of institutions subordinate to the Alabama Department of Postsecondary Education that they utilize the products and services of coconspirator Turnham and ACS.

11. It was a further part of the conspiracy that Defendant **JOHNSON** used his official position as Chancellor of the Alabama Department of Postsecondary Education to cause coconspirator Turnham and ACS to receive increased business



with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education by using the discretionary spending and budget powers of the Chancellor's office to direct funds to institutions subordinate to the Alabama Department of Postsecondary Education for the purpose of funding the purchase of goods and services from coconspirator Turnham and ACS.

### **OVERT ACTS**

12. In furtherance of the conspiracy and to achieve the objects thereof, the Defendant committed and caused to be committed the following overt acts in the Northern District of Alabama and elsewhere:

- a. In or about April 2006, coconspirator Turnham delivered a check in the amount of \$4,000 from ACS to Defendant **JOHNSON**'s son at Lawson State Community College in Jefferson County, Alabama.
- b. In or about July 2006, coconspirator Turnham and Defendant **JOHNSON** met, discussed and agreed to generate false documents of the existence of payments from Defendant **JOHNSON** to ACS.
- c. In or about July 2006, coconspirator Turnham created false documents of the existence of payments from Defendant **JOHNSON** to ACS.

**Count Five**  
**Bribery**  
**Title 18, United States Code, Section 666(a)(1)(B)**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

1. Paragraphs 1 through 9 of Count One of this Information are repeated and re-alleged as though fully set out herein.

2. From in or about July, 2002 and continuing through in or about July 2006, the exact date being unknown, within Jefferson County in the Northern District of Alabama, and elsewhere, Defendant

**ROY W. JOHNSON, JR.**

an agent of the State of Alabama, did corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of the State of Alabama involving anything of value of \$5,000 or more, that is; Defendant **JOHNSON** corruptly solicited, accepted and agreed to accept cash, checks, payments to family members, goods and services valued at more than \$5,000 from Timothy Turnham and Alabama Contract Sales, Inc., intending to be influenced and rewarded in connection with the business of the Alabama Department of Postsecondary Education.

All in violation of Title 18, United States Code, Section 666(a)(1)(B).

**Count Six**  
**Obstructing An Official Proceeding**  
**Title 18, United States Code, Section 1512(c)(2)**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

On or about July, 2006, in Lee County, in the Middle District of Alabama,  
the Defendant,

**ROY W. JOHNSON, JR.,**

did knowingly and corruptly obstruct and attempt to obstruct an official proceeding, to-wit, the Federal grand jury in the Northern District of Alabama, in that Defendant **JOHNSON** met, discussed and agreed with Timothy Turnham to create false documents indicating the existence of payments from Defendant **JOHNSON** to Alabama Contract Sales, Inc..

All in violation of Title 18, United States Code, Section 1512 (c)(2).

**Count Seven**  
**Conspiracy to Commit Bribery**  
**Title 18, United States Code, Sections 371**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

**INTRODUCTION**

1. Paragraphs 1 through 9 of Count One of this Information are repeated and re-alleged as though fully set out herein.
2. Coconspirator Senior Architect (SrArch) was the owner and director of

an Architectural Firm (ArchFirm) in Calhoun County, Alabama that did business with and sought to do business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education.

### **THE CONSPIRACY**

3. From in or about July 2002, and continuing through in or about July 2006, within Calhoun County in the Northern District of Alabama, and elsewhere, Defendant

### **ROY W. JOHNSON, JR.**

knowingly and willfully conspired, combined, and agreed with SrArch, ArchFirm and other persons, known and unknown, to commit an offense against the United States, that is:

(a) To corruptly give, offer and agree to give anything of value to any person, with intent to influence and reward an agent of state government, which state government received federal assistance in excess of \$10,000 in a one-year period, in connection with any business, transaction, and series of transactions of such state government involving anything of a value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(2); and

(b) being an agent of the state government, which state received federal assistance in excess of \$10,000 in any one-year period, to corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions involving anything of value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(1)(B).

### **THE OBJECTS OF THE CONSPIRACY**

4. It was an object of the conspiracy for Defendant **JOHNSON** to enrich himself by corruptly soliciting and accepting things of value with the intent of being influenced and rewarded for supporting the interests of coconspirator SrArch and ArchFirm in connection with architectural work and associated services that the Alabama Department of Postsecondary Education and the institutions subordinate to the Alabama Department of Postsecondary Education sought to purchase and utilize.

5. It was further an object of the conspiracy for coconspirator SrArch and ArchFirm to corruptly give, offer, and agree to give things of value to Defendant **JOHNSON** with the intent of influencing and rewarding him for supporting the interests of coconspirator SrArch and ArchFirm in connection with architectural

work and associated services that the Alabama Department of Postsecondary Education and the institutions subordinate to the Alabama Department of Postsecondary Education sought to purchase and utilize.

### **MANNER AND MEANS OF THE CONSPIRACY**

6. It was part of the conspiracy that Defendant **JOHNSON** would and did solicit and accept cash, checks, payments to family members, goods and services valued at more than \$5,000 from coconspirator SrArch and ArchFirm while SrArch and ArchFirm were doing business with and seeking to do business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education.

7. It was a further part of the conspiracy that Defendant **JOHNSON** and coconspirator SrArch attempted to conceal the existence of some of these bribes by fraudulently disguising payments to Defendant **JOHNSON**'s family member as being made for work done by the family member for coconspirator SrArch and ArchFirm.

8. It was a further part of the conspiracy that Defendant **JOHNSON** and coconspirator SrArch attempted to conceal the existence of these bribes by creating fraudulent documents which purported to show that ArchFirm intended to charge Defendant **JOHNSON** for goods and services given by ArchFirm to

Defendant **JOHNSON**.

9. It was a further part of the conspiracy that Defendant **JOHNSON** used his official position as Chancellor of the Alabama Department of Postsecondary Education to cause coconspirator SrArch and ArchFirm to receive increased business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education by recommending to the presidents of institutions subordinate to the Alabama Department of Postsecondary Education that they utilize the products and services of coconspirator SrArch and ArchFirm .

10. It was a further part of the conspiracy that Defendant **JOHNSON** used his official position as Chancellor of the Alabama Department of Postsecondary Education to cause coconspirator SrArch and ArchFirm to receive increased business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education by using the discretionary spending and budget powers of the Chancellor's office to direct funds to institutions subordinate to the Alabama Department of Postsecondary Education for the purpose of funding the purchase of services from coconspirator SrArch and ArchFirm.

## **OVERT ACTS**

11. In furtherance of the conspiracy and to achieve the objects thereof, the Defendant committed and caused to be committed the following overt acts in the Northern District of Alabama and elsewhere:

- a. In or about September 2005, coconspirator SrArch and ArchFirm delivered or caused to be delivered a check in the amount of \$3,000 from ACS, to Defendant **JOHNSON**'s son.
- b. In or about November 2003, coconspirator SrArch delivered or caused to be delivered a check, in the amount of \$11,150.45, to a business that had provided goods and services for Defendant **JOHNSON**'s new home in Opelika, Alabama.

All in violation of Title 18, United States Code, Section 371.

### **Count Eight**

#### **Bribery**

#### **Title 18, United States Code, Section 666(a)(1)(B)**

### **THE UNITED STATES ATTORNEY FURTHER CHARGES:**

1. Paragraphs 1 through 9 of Count One of this Information are repeated and re-alleged as though fully set out herein.
2. From in or about July 2002 and continuing through in or about July 2006, the exact date being unknown, within Jefferson County in the Northern



District of Alabama, and elsewhere, Defendant

**ROY W. JOHNSON, JR.**

an agent of the State of Alabama, did corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of the State of Alabama involving anything of value of \$5,000 or more, that is; Defendant **JOHNSON** corruptly solicited, accepted and agreed to accept payments to a family member, in amounts totaling more than \$5,000, from an architectural firm in Calhoun County, Alabama, intending to be influenced and rewarded in connection with the business of the Alabama Department of Postsecondary Education.

All in violation of Title 18, United States Code, Section 666(a)(1)(B).

**Count Nine**  
**Witness Tampering**  
**Title 18, United States Code, Section 1512(b)(1)**

In or about, 2006, in Lee County in the Middle District of Alabama,  
Defendant

**ROY W. JOHNSON, JR.**

did knowingly and corruptly persuade and attempt to persuade another person,

to-wit: Julian Jenkins, with the intent to influence the testimony of Julian Jenkins in an official proceeding before the grand jury in the Northern District of Alabama.

All in violation of Title 18, United States Code, Section 1512(b)(1).

**Count Ten**  
**Conspiracy to Commit Bribery**  
**Title 18, United States Code, Sections 371**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

**INTRODUCTION**

1. Paragraphs 1 through 9 of Count One of this Information are repeated and re-alleged as though fully set out herein.
2. Coconspirator Construction Manager (ConstMan) was one of the owners of a Construction Company (ConstFirm) in Tuscaloosa County, Alabama, that did business with sought to do business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education.

**THE CONSPIRACY**

3. From in or about July 2002, and continuing through in or about July 2006, within Tuscaloosa County in the Northern District of Alabama, and elsewhere, Defendant

**ROY W. JOHNSON, JR.**

knowingly and willfully conspired, combined, and agreed with coconspirator ConstMan, ConstFirm and other persons, known and unknown, to commit an offense against the United States, that is:

(a) To corruptly give, offer and agree to give anything of value to any person, with intent to influence and reward an agent of state government, which state government received federal assistance in excess of \$10,000 in a one-year period, in connection with any business, transaction, and series of transactions of such state government involving anything of a value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(2); and

(b) being an agent of the state government, which state received federal assistance in excess of \$10,000 in any one-year period, to corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions involving anything of value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(1)(B).

## **THE OBJECTS OF THE CONSPIRACY**

4. It was an object of the conspiracy for Defendant **JOHNSON** to enrich himself by corruptly soliciting and accepting things of value with the intent of being influenced and rewarded for supporting the interests of coconspirator ConstMan and ConstFirm in connection with construction work and associated services that the Alabama Department of Postsecondary Education and the institutions subordinate to the Alabama Department of Postsecondary Education sought to purchase and utilize.

5. It was further an object of the conspiracy for coconspirator ConstMan and ConstFirm to corruptly give, offer, and agree to give things of value to Defendant **JOHNSON** with the intent of influencing and rewarding him for supporting the interests of coconspirator ConstMan and ConstFirm in connection with construction work and associated services that the Alabama Department of Postsecondary Education and the institutions subordinate to the Alabama Department of Postsecondary Education sought to purchase and utilize.

## **MANNER AND MEANS OF THE CONSPIRACY**

6. It was part of the conspiracy that Defendant **JOHNSON** would and did solicit and accept cash, checks, payments to family members, goods and services valued at more than \$5,000 from coconspirator ConstMan and ConstFirm while

coconspirator ConstMan and ConstFirm were doing business with and seeking to do business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education.

7. It was a further part of the conspiracy that Defendant **JOHNSON** and coconspirator ConstMan attempted to conceal the existence of some of these bribes by fraudulently disguising payments to Defendant **JOHNSON** as being in the nature of a loan from ConstFirm to Defendant **JOHNSON**.

8. It was a further part of the conspiracy that Defendant **JOHNSON** used his official position as Chancellor of the Alabama Department of Postsecondary Education to get coconspirator ConstMan and ConstFirm increased business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education by recommending to the presidents of institutions subordinate to the Alabama Department of Postsecondary Education that they utilize the products and services of coconspirator ConstMan and ConstFirm.

9. It was a further part of the conspiracy that Defendant **JOHNSON** used his official position as Chancellor of the Alabama Department of Postsecondary Education to get coconspirator ConstMan and ConstFirm increased business with the Alabama Department of Postsecondary Education and institutions subordinate

to the Alabama Department of Postsecondary Education by using the discretionary spending and budget powers of the Chancellor's office to direct funds to institutions subordinate to the Alabama Department of Postsecondary Education for the purpose of funding the purchase of services from coconspirator ConstMan and ConstFirm.

### OVERT ACTS

10. In furtherance of the conspiracy and to achieve the objects thereof, the defendant committed and caused to be committed the following overt acts in the Northern District of Alabama and elsewhere:

- a. In or about April 2004, coconspirator ConstMan delivered or caused to be delivered a check in the amount of \$23,433.11 from ConstFirm to a contractor to pay construction costs for Defendant **JOHNSON**'s new home in Opelika, Alabama.
- b. In or about April 2004, coconspirator ConstMan used or caused to be used a ConstFirm VISA credit card to pay \$17,203.68 to a business for appliances ordered by Defendant **JOHNSON** for his new home in Opelika, Alabama.
- c. In or about 2005, coconspirator ConstMan and Defendant **JOHNSON** discussed and agreed to generate false documents

indicating the existence of a loan from ConstFirm to Defendant

**JOHNSON.**

All in violation of Title 18, United States Code, Section 371.

**Count Eleven**

**Bribery**

**Title 18, United States Code, Section 666(a)(1)(B)**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

1. Paragraphs 1 through 9 of Count One of this Information are repeated and re-alleged as though fully set out herein.

2. From in or about July 2002 and continuing through in or about July, 2006, the exact date being unknown, within Tuscaloosa County in the Northern District of Alabama, and elsewhere, Defendant

**ROY W. JOHNSON, JR.**

an agent of the State of Alabama did corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of the State of Alabama involving anything of value of \$5,000 or more, that is; Defendant **JOHNSON** corruptly solicited, accepted and agreed to accept more than \$5,000, from a construction firm in Tuscaloosa County, Alabama, intending to be influenced and rewarded in

connection with the business of the Alabama Department of Postsecondary Education.

All in violation of Title 18, United States Code, Section 666(a)(1)(B).

**Count Twelve**  
**Conspiracy to Commit Fraud Concerning Federal Program Funds**  
**Title 18, United States Code, Section 371**

1. Paragraphs 1 through 9 of Count One of this Information are repeated and re-alleged as though fully set out herein.

2. From in or about January 1998 to in or about June 2006 within Tuscaloosa County in the Northern District of Alabama, and elsewhere,  
Defendant

**ROY W. JOHNSON, JR.**

did knowingly and willfully conspire, combine and agree with other persons to commit an offense against the United States, that is to embezzle, steal, obtain by fraud, intentionally misapply, and otherwise without lawful authority convert to the use of another person other than the rightful owner property valued at \$5,000.00 and more and owned by and under the care, custody, and control of the State of Alabama, in violation of Title 18, United States Code, Section 666(a)(1)(A).



## **MANNER AND MEANS OF THE CONSPIRACY**

3. It was a part of the conspiracy that Defendant **JOHNSON** and his coconspirators would obtain employment contracts and letters of appointment for relatives at the Alabama Fire College, located in Tuscaloosa, Alabama.

4. It was a further part of the conspiracy that Defendant **JOHNSON** and his coconspirators would obtain employment contracts for relatives of the Executive Director of the Alabama Fire College at other Alabama Department of Postsecondary Education institutions.

5. It was a further part of the conspiracy that Defendant **JOHNSON** agreed that his relatives would not be required to provide services for the value of compensation received at the Alabama Fire College.

## **OVERT ACTS**

6. In furtherance of the conspiracy and to achieve the objects thereof, the defendant committed and caused to be committed the following overt acts in the Northern District of Alabama and elsewhere:

7. In or around January 1998, Defendant **JOHNSON** requested that his daughter, M.M. be hired at the Alabama Fire College, knowing that M.M. would do little or no meaningful work.

8. In or around August 1998, Defendant **JOHNSON** arranged for K.A.L. relative of the Executive Director of the Alabama Fire College, to be hired at Wallace-Dothan Community College, knowing that K.A.L. would do little or no meaningful work.

9. In or around May 2001, Defendant **JOHNSON** requested that his son, S.J. be hired at the Alabama Fire College, knowing that S.J. would do little or no meaningful work.

10. In or around June 2006, Defendant **JOHNSON** requested that the Alabama Fire College keep M.M. on payroll with salary and health care benefits, knowing that M.M. had done little or no meaningful work.

**Count Thirteen**  
**Conspiracy to Commit Bribery**  
**Title 18, United States Code, Sections 371**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

**INTRODUCTION**

1. Paragraphs 1 through 9 of Count One of this Information are repeated and re-alleged as though fully set out herein.

2. Coconspirator Close Associate and Representative (CloRep) was a retired employee of Southern Union State Community College in Opelika, Alabama who spoke and acted for Defendant **JOHNSON** and who sought to do

business with institutions subordinate to the Alabama Department of Postsecondary Education and associated entities.

### **THE CONSPIRACY**

3. From in or about July 2002, and continuing through in or about July 2006, within Marshall County in the Northern District of Alabama, and elsewhere, Defendant

### **ROY W. JOHNSON, JR.**

knowingly and willfully conspired, combined, and agreed with CloRep and other persons, known and unknown, to commit an offense against the United States, that is:

(a) To corruptly give, offer and agree to give anything of value to any person, with intent to influence and reward an agent of state government, which state government received federal assistance in excess of \$10,000 in a one-year period, in connection with any business, transaction, and series of transactions of such state government involving anything of a value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(2); and

(b) being an agent of the state government, which state received federal assistance in excess of \$10,000 in any one-year period, to corruptly solicit

and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions involving anything of value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(1)(B).

### **THE OBJECTS OF THE CONSPIRACY**

4. It was an object of the conspiracy for Defendant **JOHNSON** to enrich himself by corruptly soliciting and accepting things of value with the intent of being influenced and rewarded for supporting the interests of coconspirator CloRep in connection the business of the Alabama Department of Postsecondary Education and the institutions subordinate to the Alabama Department of Postsecondary Education.

5. It was further an object of the conspiracy for coconspirator CloRep to corruptly give, offer, and agree to give things of value to Defendant **JOHNSON** with the intent of influencing and rewarding him for supporting the interests of coconspirator CloRep in connection with the business of the Alabama Department of Postsecondary Education and the institutions subordinate to the Alabama Department of Postsecondary Education.

## **MANNER AND MEANS OF THE CONSPIRACY**

6. It was part of the conspiracy that Defendant **JOHNSON** would and did solicit and accept money, cash, and checks valued at more than \$5,000 from coconspirator CloRep while coconspirator CloRep was doing business with and seeking to do business with the Alabama Department of Postsecondary Education and institutions subordinate to the Alabama Department of Postsecondary Education.

7. It was a further part of the conspiracy that Defendant **JOHNSON** communicated to the presidents of the institutions subordinate to the Alabama Department of Postsecondary Education, and others, that coconspirator CloRep spoke and acted on behalf of Defendant **JOHNSON**.

8. It was a further part of the conspiracy that Defendant **JOHNSON** would recommend or direct that presidents of the institutions subordinate to the Alabama Department of Postsecondary Education contract with coconspirator CloRep for consulting, and other services.

9. It was a further part of the conspiracy that coconspirator CloRep would use the authority extended to him by Defendant **JOHNSON** to acquire contracts for consulting, and other, services from vendors that did business with the Alabama Department of Postsecondary Education.

10. It was a further part of the conspiracy that coconspirator CloRep would and did pass funds he acquired by use of the authority extended to him by Defendant **JOHNSON** of a value of \$5,000 or more, to Defendant **JOHNSON** in the form of cash payments.

### **OVERT ACTS**

11. In furtherance of the conspiracy and to achieve the objects thereof, the Defendant committed and caused to be committed the following overt acts in the Northern District of Alabama and elsewhere:

- a. In or about July 2002, Defendant **JOHNSON** directed the President of Snead State Community College in Marshall County, Alabama to contract with coconspirator CloRep for consulting services.
- b. In or about September 2002, Defendant **JOHNSON** directed the Interim President of Wallace State Community College in Cullman County, Alabama to contract with coconspirator CloRep for consulting services.
- c. In or about May 2005, Defendant **JOHNSON** directed the President of JF Ingram State Technical College in Montgomery

County, Alabama, to contract with coconspirator CloRep for consulting services.

All in violation of Title 18, United States Code, Section 371.

**Count Fourteen**  
**Bribery**  
**Title 18, United States Code, Section 666(a)(1)(B)**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

1. Paragraphs 1 through 9 of Count One of this Information are repeated and re-alleged as though fully set out herein.
2. From in or about July 2002 and continuing through in or about July, 2006, the exact date being unknown, within Tuscaloosa County in the Northern District of Alabama, and elsewhere, Defendant

**ROY W. JOHNSON, JR.**

an agent of the State of Alabama, did corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of the State of Alabama involving anything of value of \$5,000 or more, that is; Defendant **JOHNSON** corruptly solicited, accepted and agreed to accept money, cash and checks valued at more than \$5,000, from a close associate and representative, intending to be influenced and

rewarded in connection with the business of the Alabama Department of Postsecondary Education.

All in violation of Title 18, United States Code, Section 666(a)(1)(B).

**Count Fifteen**  
**Criminal Forfeiture**  
**Title 18, United States Code, Section 981(a)(1)(C)**  
**Title 28, United States Code, Section 2461(c)**

**THE UNITED STATES ATTORNEY FURTHER CHARGES:**

1. Counts One, Two, Four, Five, Seven, Eight, Ten, Eleven, Twelve, Thirteen and Fourteen of this Information are incorporated by reference herein for the purpose of alleging criminal forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

**FORFEITURE**

2. As a result of the foregoing offenses alleged in Counts One, Two, Four, Five, Seven, Eight, Ten, Eleven, Twelve, Thirteen and Fourteen of this Information, Defendant,

**ROY W. JOHNSON, JR.,**

shall forfeit to the United States any property constituting or derived from proceeds traceable to said violations committed by Defendant **JOHNSON**. Such forfeitable interests include, but are not limited to the following:



The aggregate sum of \$18,206,485.97 and all interest and proceeds derived therefrom.

Certain real property located at 2106 Sanders Creek Drive, Opelika, Alabama, and more particularly described as follows:

Lots Number Sixteen and Seventeen (#16 and #17) of Sanders Creek Subdivision - Phase One, according to the survey of record in Plat Book 15, at Page 146 in the Office of Judge of Probate of Lee County, Alabama, together with all improvements thereon and appurtenances thereunto appertaining.

3. If any of the property described above as being subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the Defendant **JOHNSON**:

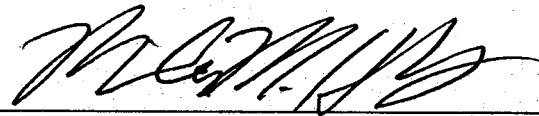
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred to, sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property that cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said Defendant **JOHNSON**, up to the value of the above forfeitable property.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title  
28, United States Code, Section 2461(c).



ALICE H. MARTIN  
United States Attorney



MILES M. HART  
Assistant United States Attorney